

Appl. No. 09/676,227
Office Action mailed April 7, 2004
Response transmitted August 4, 2004

Attorney Docket 10022/35

REMARKS

1. The Application was filed with Claims 1-47, which are pending in the application. Claims 1-47 are rejected under 35 U.S.C. § 102(e), as being anticipated by U.S. Pat. No. 6,289,382 to Michel Bowman-Amuah ("Bowman-Amuah"). The Office Action has provisionally rejected Claims 4, 6-30, 3-41, and 43 over several co-pending applications. The Office Action also objects to the drawings, and objects to informalities in the language of Claims 12, 16-20, 22, 26, 28-30, 32, 34, and 36-43.

2. Applicants thank the Examiner for pointing out the errors and informalities in the claims. Applicants have amended Claims 12, 16-20, 22, 26, 28-30, 32, 34, and 36-43 in a non-narrowing manner to correct these grammatical and typographical errors. Applicants have amended Claim 12 as suggested by the Examiner and in a manner that is supported by the specification, p. 7, lines 29-32, using clearer and more understandable language. No new matter was added in amending the claims.

3. Applicants have also amended the abstract and several of paragraphs of the specification at the suggestion of the Examiner. No new matter was added in amending the Abstract, for which support is found at least in the abstract as filed, and in the specification, p. 3, lines 13-18. In addition, several paragraphs of the specification were found to contain grammatical and typographical errors. These errors have been corrected, and the Examiner is requested to enter the amendments.

4. Claims 4, 6-7, 13-30, 39-41, and 43 are provisionally rejected over several co-pending applications. Applicants' firm is prosecuting the mentioned co-pending applications 09/675,232; 09/677,136; 09/675,913; 09/677,074; 09/677,065; 09/706,012; 09/677,135; and 09/706,576.¹ None of the cited applications have been allowed. If the claims in this application are allowed, Applicants are willing to execute a terminal disclaimer to overcome double-patenting rejections. The Examiner is

¹ We believe that the Examiner intended to cite 09/705,576, a case our firm is prosecuting, rather than the last application recited in the sentence to which this footnote refers.

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requested to hold these provisional rejections in abeyance until otherwise allowable subject matter is found in this application.

5. The drawings are objected to on the grounds that Figs. 5-13 show only what is old and should be labeled as "Prior Art." Applicants point out that Figs. 5-13 are described as preferred embodiments of the netcentric computing system or architecture. For Example, Fig. 5 is a block diagram of a preferred execution architecture of a netcentric computing system. Fig. 5 tracks Claim 6 of the application, including a netcentric execution architecture 32, presentation services 62, information services 64, communication services 66, communication fabric services 68, transaction services 70, environment services 72, base services 74, and business logic services 76.

Fig. 6 depicts the presentation services 62 described on p. 15 of the specification and which are part of the client workstations 78, 79, and 120 in Fig. 4. The remainder of Figs. 7-13 depicts similar new combinations of netcentric computing systems or architectures. Accordingly, Applicants submit that it is improper to label Figs. 5-13 as "prior art." The Examiner is respectfully requested to withdraw the objection to the figures in the present application.

6. Claims 1-47 are rejected under 35 U.S.C. § 102(e), as being anticipated by U.S. Pat. No. 6,289,382 to Michel Bowman-Amuah ("Bowman-Amuah"). This rejection is traversed because the subject matter in Bowman-Amuah cited by the Examiner is not the work of another but is the Applicants' own work. Thus, the cited portion of Bowman-Amuah does not qualify as prior art under 35 U.S.C. § 102(e).

In support of this, Applicants submit declarations of Inventors Sargent and Taylor under 37 C.F.R. § 1.132. These inventors have declared that at least the portion of U.S. Pat. No. 6,289,382 cited in the rejections, Figs. 3, 10, 15, 24, 26-28, 33 and 48, and the supporting description, were their own work. The declarations are attached at Appendices A and B.

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The declaration and attachments demonstrate that the most of the subject matter relied on in the rejection under 35 U.S.C. § 102(e) was Applicants' own invention. The declarations cite Chapter 3 of the book, "Netcentric and Client/Server Computing," by Goodyear et al. ("Goodyear"). The subject matter of Goodyear was filed as Prov. Appl. 60/156,962, to which the present application claims priority. The inventors declare that they are the authors of Chapter 3, to which Bowman-Amuah made no contribution. Thus, to the extent that other subject matter in Bowman-Amuah is found at least in Chapter 3 of Goodyear, that other subject matter is also not prior art under 35 U.S.C. § 102(e). A copy of Chapter 3 of Goodyear is attached at Appendix C for the convenience of the Examiner. Goodyear was published on December 18, 1998, less than a year before the filing of Provisional Appl. 60/156,962, filed October 1, 1999, to which the present application claims priority. Evidence from a seller of the book is attached at Appendix D in support of the date of publication.

7. Applicants provide here below a table identifying the disclosure from Bowman-Amuah relied upon by the Examiner and that Inventors Sargent and Taylor have declared are their own work and not that of Bowman-Amuah.

Pat. Appl. 09/676,227	Chapter 3, page	U.S. Pat. No. 6,289,382
Claims 1, 44	See pp. 3-6 to 3-8, including Exh. 2.	Fig. 48; col. 160, lines 59 to 62.
Claim 2	See pp. 3-6 to 3-7, including Exh. 2.	Fig. 48.
Claim 3	See p. 3-7, including Exh. 2.	Fig. 48; col. 31, lines 42-67.
Claim 4	See p. 3-7, Exh. 2.	Fig. 48.
Claim 5	See p. 3-8 and Exh. 23.	Figs. 3 and 5; col. 18, line 30 to col. 19, line 50.
Claims 6, 45	See p. 3-17 and Exh. 7 on p. 3-18.	See Fig. 10 and col. 31, lines 42-60.
Claims 7, 46	See pp. 3-10 to 3-14, including Exh. 5.	See Figs. 3, 11, 15 and 28.
Claims 8, 47	See pp. 3-14 to 3-17, including Exh. 6.	See Figs. 3, 11, 15 and 28 and col. 18, lines 30 to col. 19, line 50.
Claim 9	See p. 3-6 and pp. 3-31 to 3-33.	See Fig. 37.

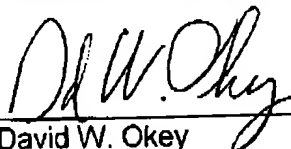
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Claims 13-14	See pp. 3-18 to 3-18 and Exh. 8.	Fig. 1; col. 247, lines 8-21; col. 1, line 29 to col. 2 line 20.
Claim 23	See Exh. 10 and pp. 3-22 to 23.	Col. 48, line 47 to col. 49, line 7 (describing Fig. 14).
Claim 26	See Exh. 11, pp. 3-25 to 3-29.	See Fig. 12.
Claim 27	See Exh. 11 and pp. 3-26 to 3-27.	See col. 68, lines 30-45 (describing Fig. 15)
Claim 28	See Exh. 11 and pp. 3-27 to 3-28.	See Fig. 15 and col. 72, line 4, to col. 78, line 55.
Claim 31	See pp. 3-29 to 3-31 including Exh. 12.	See Fig. 10.
Claims 32-33	See Exh. 12 and pp. 3-30 to 3-31.	See Fig. 24.
Claims 34-36	See Exh. 13 and pp. 3-31 to 3-33.	See Fig. 27.
Claim 37	See Exh. 13 and p. 3-33.	See Fig. 27.
Claim 38	See Exh. 14 and pp. 3-34 to 3-35.	See Fig. 26.
Claim 39	See pp. 3-35 to 3-38, including Exh. 15.	See Fig. 28.
Claims 40-41	See p. 3-37 to 3-38.	See Fig. 28 and cols. 107-08, describing Fig. 28.
Claim 42	See pp. 3-38 to 3-39, including Exh. 16.	See Fig. 33.

8. Applicants have overcome the rejections by preparing and executing a declaration that the invention disclosed in the reference was their invention. Accordingly, Claims 1-47 are allowable. The Examiner is invited to contact the undersigned attorney for the Applicant via telephone at 312-321-4711 if such communication would expedite this application or would be helpful to the Examiner.

Respectfully submitted,



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